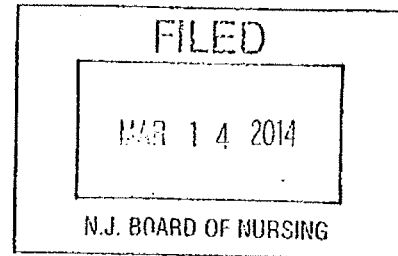
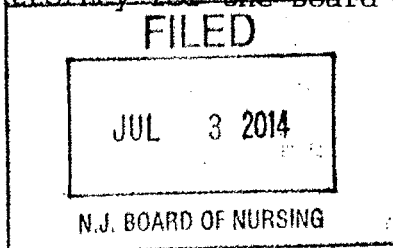


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR  
REVOCATION OF THE CERTIFICATE OF

Kesha M. Jacobus, C.H.H.A.  
Certificate No.: 26NH03134600

TO PRACTICE AS A CERTIFIED  
HOMEMAKER HOME HEALTH AIDE  
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

☒ Finalized by Default on: 07/03/14

**FINAL**

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kesha M. Jacobus, ("Respondent") is the holder of Homemaker Health Aide Certificate 26NH03134600 in the State of New Jersey. (See L2k printout annexed hereto as *Exhibit A*).

2. On or about August 20, 2012, the Board received a complaint from Bayada Home Health Care of Bloomfield, New Jersey reporting that Respondent, an employee of Bayada, submitted time sheets indicating that she was providing services for a client five-times a week, but Respondent only provided the services three-times a week. The mother of a client had contacted Bayada and informed them that Respondent had given client blank time sheets to sign, which Respondent later submitted indicating that she had worked her full schedule. Bayada reviewed Respondent's time sheets from September 11, 2011, to August 3, 2013 and confirmed that Respondent had indicated on her time sheets that she was providing services to the client five-days a week but was not. Bayada questioned Respondent regarding the time sheets and was terminated on August 15, 2012. (See Complaint Form, *Exhibit B*).

3. On February 26, 2013, investigators from the Enforcement Bureau interviewed Respondent. Respondent also provided an affidavit on that day regarding the issue with the time sheets. Respondent confirmed that she was scheduled to care for the client five-times a week, for about two-hours a day, except for Thursday which required an extra hour. In her affidavit, Respondent stated that due to medical reasons she was unable to work the entire week and admitted to not working on Tuesdays and

Fridays. Additionally, she stated that she would compensate for the missed days by working additional hours on the three-days that she did work. Respondent denied providing patient with blank time sheets to sign. (See Respondent's Affidavit, Exhibit C).

#### CONCLUSIONS OF LAW

Respondent's admission that she submitted time sheets indicating that she had worked on days that she did not actually work constitutes preliminary grounds to take disciplinary action against Respondent's certification to practice as a certified homemaker-home health aide in New Jersey pursuant to N.J.S.A. 45:1-21(b), in that Respondent has engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise or false pretense and N.J.S.A. 45:1-21(e) in that Respondent has engaged in professional or occupational misconduct.

ACCORDINGLY, IT IS on this 14 day of March, 2014,

ORDERED that:

1. Kesha M. Jacobus' certification to practice as a homemaker-home health aide is provisionally suspended for a minimum of two years for falsifying records. In the event that Respondent seeks reinstatement of her certification,

she must submit to the Board proof of satisfactory completion of an ethics course.

2. Respondent is hereby reprimanded for her actions.

3. Respondent shall provisionally refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

4. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for

consideration and reasons, therefore or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.


6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact

and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Murphy, PhD, APN  
President